

REMARKS

Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition.

Claims 1-32, 34-47, 59, 61-64 and 144-147 are pending in this application. Claims 141-143 are cancelled herein without prejudice or disclaimer. Claim 1 is amended for clarity. Claims 34-57, 59, 62-64 and 147 are deemed allowable. Amendment of claim 1 herein and cancellation of claims 141-143 should place the instant application into condition for allowance.

An Information Disclosure Statement was filed on December 10, 2004, prior to mailing of the Final Office Action. Consideration, entry and return of the PTOL-1449 forms are respectfully requested.

THE REJECTION OF CLAIMS 1-32 AND 144-147 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-32 and 144-147 are rejected in under 35 U.S.C. §112, second paragraph, as indefinite in the recitation of "or applying a delivery agent" because it is unclear to what the agent is applied. Reconsideration of the grounds for this rejection is respectfully requested in view of the amendments herein and the following remarks.

Claim 1 is amended to recite "or applying a delivery agent to the cell" thereby rendering it clear that agent is applied to the cell.

THE REJECTION OF CLAIMS 141-143 UNDER 103(a)

Claims 141-143 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hadlaczky *et al.* U.S. Patent No. 6,025,155 in light of Unger *et al.* (1997) *Invest. Radiol.* 32:723-727. Without conceding the propriety of the rejection and in order to advance prosecution of this application to allowance, claims 141-143 are cancelled herein without prejudice or disclaimer. Accordingly the rejection is rendered moot.

* * *

Applicant : Gary De Jong, *et al.*
Serial No. : 09/815,979
Filed : March 22, 2001
Amendment After Final

Attorney's Docket No.: 17084-018001/416

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,


Stephanie L. Seidman
Reg. No. 38,779

Attorney Docket No. 17084-018001/416

Address all correspondence to:

Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796
email: seidman@fr.com